

REMARKS

Reconsideration and allowance of this application are respectfully requested in view of the amendments above and the remarks below.

Election/Restriction

Initially, by this amendment, claims 52-59 and 62-68 have been canceled without prejudice. These claims may be made the subject of a separate divisional application.

35 U.S.C. §112 Rejections

In the Office Action, claim 61 was rejected under 35 U.S.C. §112, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention as lacking proper antecedent basis for the phrase "the region of the handle bar." Applicants respectfully, but most strenuously, traverse this rejection for the following reason.

By this amendment, claim 61 has been amended to recite "a region of a handle bar" so as to provide proper antecedent basis and overcome this rejection.

Withdrawal of this rejection is respectfully requested.

35 U.S.C. §102 Rejection

In the Office Action, claims 60-61 were rejected under 35 U.S.C. §102(b) as being allegedly anticipated by Reeves et al. (U.S. Patent No. 5,320,375). Applicants respectfully, but most strenuously, traverse this anticipation rejection for the following reasons.

Initially, one aspect of applicants' invention is directed to an adjusting device for the height adjustment of the front wheel suspension of a bicycle. The adjusting device includes a double-acting piston/cylinder assembly, a shut-off device, and an actuator. A piston rod of the adjusting device is mounted on the steering stem.

By this amendment, claim 60 has been amended to more particularly recite applicants' invention and to define over the applied prior art. In particular, claim 60 has been amended to recite a bicycle having a front wheel suspension adjusting device having a piston connected to a piston rod and the piston rod mounted on a steering stem. Claim 60 has also been amended by removing the word "for", as suggested by the Examiner, so as to give patentable weight to the phrase "adjusting device adjusting the height of a front wheel suspension." Support for amending claim 60 is found in the specification on page 30, lines 4-16.

With reference to the applied reference, Reeves et al. discloses a shock absorber for mountain bicycle rear wheel suspensions.

When asserting a §102 rejection, it is well established that there is no anticipation unless (1) all the same elements are (2) found in exactly the same situation and (3) are united in the same way to (4) perform the identical function.

Reeves et al. fail to disclose the same elements or function for applicants' bicycle as recited in claim 60. In particular, Reeves et al., which discloses a rear wheel shock absorber fail to disclose a front wheel suspension shock absorber. In addition, Reeves et al. fail to disclose a piston rod mounted on a steering stem as recited in claim 60.

Since Reeves et al. do not disclose the same elements, or perform an identical function as in this aspect of applicants' invention, Reeves et al. would not have anticipated applicants' invention as recited in amended independent claim 60. Dependent claim 61 is believed allowable for the same reasons noted above in connection with amended independent claim 60 from which it directly depends, as well as for its own additional features.

In addition, by this amendment, new claims 69-76 have been added which further define applicants' invention. Support for these new claims are found in the canceled claims, which recite the various features in connection with a front wheel suspension, and in the specification and the drawings. As these claims depend from generic independent claim 60, they are patentable for the same reasons noted above regarding claim 60 as well as for their own specific features.

Official Fees


In this response, 15 claims were canceled and 8 new dependent claims have been added. Accordingly, no official surcharge for these additional claims is required.

CONCLUSION

It is believed that the application is in condition for allowance, and such action is respectfully requested.

If a telephone conference would be of assistance in advancing the prosecution of the subject application, applicants' undersigned attorney invites the Examiner to telephone him at the number provided.

Respectfully submitted,



David A. Pascarella  
Attorney for Applicants  
Reg. No. 36,632

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HESLIN ROTHENBERG FARLEY & MESITI P.C.  
5 Columbia Circle  
Albany, New York 12203  
Telephone: (518) 452-5600  
Facsimile: (518) 452-5579